



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

Rick Ronald Nagel, Treasurer  
Cole for Congress  
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DEC 9 2002

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Reference: Amended October Quarterly Report (8/8/02-9/30/02), dated 10/16/02

Dear Mr. Nagel:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-While it is permissible for a person to make a contribution for the runoff election prior to the primary election, the recipient committee must employ an acceptable accounting method to distinguish between primary and runoff election contributions. 11 CFR §102.9(e) This runoff election amount must be maintained in the committee's account.

Since the candidate is not seeking office and will not participate in the runoff election, any contribution received for the runoff election must be returned to the donors, in accordance with 11 CFR §110.1(b)(3). The use of runoff election contributions to pay primary debts and obligations is prohibited under the Act as such use could result in individuals making contributions with respect to the primary election in excess of the \$1,000 per election limit. Any subsequent report(s) filed with the Commission must disclose the refund of any runoff election contributions. Refunds must be done within sixty days after the candidate's announcement not to seek office/re-election.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for any refund. Refunds are reported on Line 20 of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. (11 CFR §104.3(d)(4))